

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

KATHLEEN “KATHY” HILDEBRAND,

Plaintiff,

v.

No. 14-1263

ENVIROSEAL TN, LLC, AND
INFINITY FINANCIAL SERVICES, LLC,
MARTY WHITE, AND PETER FLORIO,

Defendant.

ORDER ADOPTING IN PART AND MODIFYING IN PART
THE MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION

On January 2, 2013, Plaintiff, Kathy Hildebrand, filed a complaint against Defendants, EnviroSeal TN, LLC (“EnviroSeal”); Infinity Financial Services, LLC (“Infinity”); Marty White; and Peter Florio seeking damages for unpaid overtime under the Fair Labor Standards Act. (Docket Entry (“D.E.”) 1.) Based on Defendants’ failure to comply with the orders of this Court, default judgment was entered against the corporate Defendants, EnviroSeal and Infinity, on March 1, 2016, (D.E. 45), and the individual Defendants, White and Florio, on May 17, 2016, (D.E. 56.). Thereafter, Plaintiff filed a motion to set a hearing on the award of damages, (D.E. 64), which was scheduled for August 4, 2016, before Magistrate Judge Edward G. Bryant, (D.E. 68). Defendants failed to attend the August 4 hearing, and Judge Bryant subsequently entered a report recommending that the Court award Plaintiff \$3,150.00 for unpaid overtime pay and \$3,150.00 in liquidated damages. (D.E. 75). Judge Bryant also recommended awarding attorneys’ fees and expenses in the amount of \$2,969.00. (*Id.*) No objections to the report and

recommendation have been filed, and the deadline for doing so has passed. *See* 28 U.S.C. § 636(b)(1).

Upon review of the report and recommendation, this Court notes a clerical error in the calculation of damages. Damages were recommended in the amount of \$3,150.00 for unpaid overtime pay and \$3,150.00 for liquidated damages, resulting in a total award of \$6,300.00; however, the report and recommendation calculated a total damages award for Plaintiff in the amount of \$7,000.00. (D.E. 75 at PageID 231.) In all other respects, the report and recommendation is correct; accordingly, it is ADOPTED IN PART and MODIFIED IN PART to reflect a total damages award of \$6,300.00 along with fees and expenses of \$2,969.00 for the Plaintiff.

IT IS SO ORDERED this 7th day of September 2016.

s/ J. DANIEL BREEN
CHIEF UNITED STATES DISTRICT JUDGE